

THIRTY-FIRST DAY

(Tuesday, March 7, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, when perplexed, the student turns to his teacher. In this moment of responsibilities, we turn to Thee, 'a teacher come from God,' praying that these Senators may have understanding of their problems. Make the yoke of Thy will easy, and our burdens light. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Owen.

Senate Resolution 156

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Class of St. Ludmila's Academy, Shiner, Texas, accompanied by their teacher, Sister M. Veronica; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students and their teacher to the Members of the Senate.

Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 95, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 289, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 250, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred S. B. No. 276, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred S. B. No. 132, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOFFETT, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 119, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 219, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 263, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 262, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 127, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 288, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 52, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 52 was read the first time.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 34, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 34 was read the first time.

Senator Rogers submitted the following reports:

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 302, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 51, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 201, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Senate Resolution 158

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 6th Grade Class from Metz School in Austin, accompanied by their teacher, Lucile Miller; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Ratliff and Creighton:

S. B. No. 308, A bill to be entitled "An Act relating to investment of proceeds from the sale of bonds, and assessments, equalization and collection of taxes in the West Central Texas Municipal District, amending subsection (g) of Section 12 of Chapter 66, Acts of the 54th Legislature, Regular Session, 1955, and adding a new Section, Section 22, thereto; and declaring an emergency."

To the Committee on State Affairs.

By Senator Aikin:

S. B. No. 309, A bill to be entitled "An Act making it unlawful to obtain tele-communications service with the intent to defraud any individual, corporation or other person of the lawful charges, in whole or in part, therefor, through the use of false or unauthorized or fictitious telephone numbers or credit card numbers or a code or prearranged scheme or by installing or tampering with facilities or equipment or by any other trick, false representation, device or means; stating a rule of presumption of fraudulent intent with respect to such offense; prescribing penalties for violations; providing venue; providing

for severability and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Reagan:

S. B. No. 310, A bill to be entitled "An Act to provide special salary increments to teachers based upon meritorious service, such increments to be awarded through a teacher merit pay program developed by local boards of education in compliance with standards, rules, and regulations to be established by the State Board of Education; providing that the cost of such program shall be borne fifty per cent (50%) by local school districts and fifty per cent (50%) by the State, with the State's share to be paid from the Minimum Foundation Program Fund; providing severability; and declaring an emergency."

To the Committee on Education.

(Senator Aikin in the Chair.)

By Senator Schwartz:

S. B. No. 311, A bill to be entitled "An Act amending Chapter 9, Article 9.14, of House Bill No. 11, as passed by the 56th Legislature, Third Called Session, to provide for refund of motor fuel taxes paid by a transit company on motor fuel used or consumed, or to be used or consumed, except the one-fourth ($\frac{1}{4}$) of the taxes which is allocated to the Available School Fund, by the Constitution of the State of Texas; and amending Article 10.03, subsection (2) of Chapter 10 of House Bill No. 11, as passed by the 56th Legislature, Third Called Session, to provide for refund on special fuel taxes paid by a transit company on special fuel used or consumed, or to be used or consumed, except the one-fourth ($\frac{1}{4}$) of the taxes which is allocated to the Available School Fund, by the Constitution of the State of Texas; and declaring an emergency."

To the Committee on State Affairs.

By Senator Calhoun:

S. B. No. 312, A bill to be entitled "An Act amending Chapter 142 passed at the Regular Session of the 55th Legislature of Texas in 1957 relating to the Athens Municipal Water Authority, providing that the territory comprising the Authority shall be confined to that which was embraced within the corporate limits of the City

of Athens, Henderson County, Texas, on the 2nd day of May, 1957 (the effective date of the aforementioned Chapter 142 which created the original Authority within said limits) until hereafter enlarged as provided for in this Act; providing that no territory annexed to the City of Athens subsequent to May 2, 1957, shall hereafter be considered a part of said Authority solely by virtue of the annexation thereof to the City of Athens; providing the methods by which territory hereafter may be annexed to the Authority; validating (a) the Athens Municipal Water Authority as including all territory located within the corporate limits of the City of Athens, Texas on the 2nd day of May, 1957, and the boundaries thereof as thus delineated; (b) the organization of the Authority's Board of Directors and all governmental acts and proceedings heretofore performed and accomplished; (c) the Authority's bond election of October 8, 1957; (d) the bonds authorized at said election and providing that when approved by the Attorney General of Texas, registered by the Comptroller of Public Accounts of Texas and delivered to the purchaser or purchasers said bonds shall be incontestable; the water supply contract dated March 5, 1958 between the Authority and the City of Athens; providing a savings clause; and declaring an emergency."

To the Committee on Jurisprudence.

(President in the Chair.)

Senate Concurrent Resolution 27

Senator Gonzalez offered the following resolution:

S. C. R. No. 27, Requesting State Board of Insurance to suspend present merit-rating plan for private passenger automobiles until certain requirements are met.

Whereas, Traffic convictions in many courts are never properly reported to the Department of Public Safety; and

Whereas, Many traffic convictions are dismissed or never tried on appeal to the County Courts; and

Whereas, There is a significant variance in the strictness of the several courts having original or appellate jurisdiction of traffic offenses; and

Whereas, The diligence with which traffic laws are enforced varies from

city to city and from county to county; and

Whereas, These facts seriously impair the fair and effective application of the present merit rating plan for private passenger automobiles; therefore, be it

Resolved by the Senate, the House of Representatives of the State of Texas concurring, That the State Board of Insurance suspend the present merit rating plan for private passenger automobiles until such time as it is revised to remove traffic offenses from its provisions or until such time as uniform trial, appeal and reporting of traffic offenses is provided by law.

The resolution was read and was referred to the Committee on Insurance.

Senate Concurrent Resolution 28

Senator Rogers offered the following resolution:

S. C. R. No. 28, Memorializing the United States Congress to expand the sugar production in the continental limits of the United States.

Whereas, The welfare, not only of Texas but of the United States, requires that production of both cane and beets for refining into sugar consumed in the United States be enlarged to the extent that the sugar industry will be enabled to increase production in the United States, and the farmers of the United States be permitted to grow additional sugar beet and cane crops for the refinement of sugar; and

Whereas, Such policy would strengthen the farm economy and consequently the National economy of our country; and

Whereas, Such a change in our Federal sugar policy would help mitigate the persisting shrinkage in our Gold Reserve; and

Whereas, Such policy would benefit labor throughout the areas of production and refining, as well as in the areas manufacturing and supplying refineries; and

Whereas, This policy would make America independent for a sugar supply as a strategic item in case of international conflict or war; and

Whereas, This policy would properly place an agricultural crop in its rightful position in agriculture; and

Whereas, This policy would take

into consideration the ever existing reason for America being independent in its natural resources and other commodities consumed in this country, all of which are with equal force applicable to sugar the same as cotton, wool, wheat, meat or any other product; and

Whereas, This policy would allow for greater crop rotation and alleviate to some extent the overproduction in cotton, wheat, and corn; and

Whereas, This policy would avoid international entanglements to the extent that foreign countries otherwise will insist upon sugar quotas in the hands of our Federal Government, and they cannot understand favoritism of one over the other, while they can understand the American farmer and producer being permitted to produce the sugar consumed in this country; and

Whereas, The \$507 million spent for imported sugar is far out of line with all other imports of other products of a competitive nature; and

Whereas, This policy would keep American produced sugar out of the category of subsidized crops so long as the production was held under consumption and administered in the same way as it has been in the past with the quotas actually given to foreign countries; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the United States Congress be urged to immediately enact such legislation enabling the sugar industry to increase production in the United States, allowing the farmers of the United States to grow additional sugar beet and cane crops for the refinement of sugar; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the members of the Texas delegation in Congress.

ROGERS
SMITH
HAZLEWOOD
AIKIN
OWEN
MOFFETT

The resolution was read.

On motion of Senator Rogers and by unanimous consent the resolution

was considered immediately and was adopted.

(Senator Aikin in the Chair.)

Senate Resolution 159

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Civics Class of the Canyon High School of New Braunfels, accompanied by their teacher, John W. Turner; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Mr. Turner to the Members of the Senate.

Message from the Governor

The following message received from the Governor today was read and was filed with the Secretary of the Senate:

Austin, Texas,
March 7, 1961.

To the Members of the 57th Legislature:

The Legislative Budget Board and the Executive Budget recommend the construction of an additional floor on both the State Insurance Building and the Second State Office Building.

A great savings can be made if these floors are authorized promptly so as to take advantage of alternative bids received in connection with construction now in progress. Under these alternative bids, the floors can be added at approximately \$12.00 per square foot, which is much less than the work could be performed under a later and separate contract.

Because of the limited time within which the State Building Commission can accept these alternative bids and the great economy which can be effected by immediate action, I hereby submit to you as an emergency matter the enactment of appropriate legislation for this purpose.

This action will enable the State Building Commission and the Board of Control to comply with the provisions of Senate Concurrent Resolution No. 7 to move the Department of Agriculture and the Board of Pardons and Paroles from the Capitol Building at the earliest possible time.

This action will not require any new appropriation at this time or any expenditure from the General Revenue Fund since appropriated funds are available, and all cost will be from special funds now on hand.

Completion and equipment of the fourth floor which has already been added to the State Archives and Library Building and the landscaping and building of walks and passageways between the Capitol Building and the new buildings also can be accomplished at a great savings under existing contracts.

I, therefore, recommend as an emergency matter that this work be authorized from presently appropriated funds now held by the State Building Commission.

Respectfully submitted,

PRICE DANIEL,
Governor.

House Concurrent Resolution 29 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 29, Inviting Dr. James H. Jauncey to address a Joint Session of the Senate and the House of Representatives at 11:30 a.m. on Thursday, March 9, 1961.

The resolution was read and was adopted.

Accordingly the Presiding Officer announced the appointment of the following as a committee to escort Dr. Jauncey to the Joint Session:

Senators Parkhouse, Owen, Ratliff, Creighton and Secrest.

Senate Bill 21 on Second Reading

Senator Moffett moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 21 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act relating to the regulation of the manufacture, sale, or distribution, of commercial fertilizer; repealing Articles 1709 through 1720, inclusive, Title 19, Chapter 12, Texas Penal Code, as amended, and Articles 94 through 108, inclusive, Title 4, Chapter 5, Texas Revised Civil Statutes (1925) as amended; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following committee amendment to the bill:

Amend Section 3 of Senate Bill No. 21 by adding thereto the following sentence: "The Board may also appoint a person as State Chemist who may be delegated the responsibility by the Director to make such chemical analyses and tests as may be required under this Act."

The committee amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend Senate Bill No. 21, Section

9, Subsection (a) by inserting the word "agricultural" between the word "its" and "value" in the first sentence of said sub-section.

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend Senate Bill No. 21 by striking out all of Sec. 2 and inserting in lieu thereof the following new Section 2:

"Sec. 2. DEFINITIONS. The words and phrases as used in and applicable to this Act, unless a different meaning is plainly required by the context, shall have the following meaning:

(1) The term "Director" means the person appointed by the Board of Directors of the Agricultural and Mechanical College of Texas for the purpose of administering the provisions of this Act, and includes his duly authorized representatives.

(2) The term "person" means an individual of either sex, a firm, broker, jobber, partnership, corporation, company, legal entity, society, or organization or association, and every agent, officer or employee of any thereof.

(3) The term "registrant" means the person who registers commercial fertilizer under the provisions of this Act.

(4) The term "commercial fertilizer" includes mixed fertilizer and/or fertilizer materials and any other substances, materials or elements or parts thereof, including but not limited to pesticides, intended for use or used as an ingredient or component of a mixture of materials which is used, designed or represented for use or claimed to have value in promoting plant growth, except unprocessed, unpackaged and unmanipulated lime, limestone, marl and gypsum. The term "commercial fertilizer," anything to the contrary notwithstanding, shall not include the excreta of animal and plant remains and mixtures of such substances for which no claims of grade are made.

(5) The term "fertilizer material" means any solid or non-solid substance or compound which contains any essential plant nutrient element in a form available to plants and which is used primarily for its essential plant nutrient element content in promoting or stimulating growth of plants or improving the quality of crops or for compounding mixed ferti-

lizers, except the excreta of animals and plant remains and mixtures of such substances for which no grade claims are made other than to identify the product.

(6) The term "mixed fertilizer" means a solid or non-solid product which results from the combination, mixture, or simultaneous application of two or more fertilizer materials by a manufacturer, processor, mixer, or contractor, and shall include specialty fertilizers and manipulated manures, except the excreta of animals and plant remains and mixtures of such substances for which no grade claims are made other than to identify the product.

(7) The term "specialty fertilizer" means a commercial fertilizer distributed primarily for non-farm use, except the excreta of animals and plant remains and mixtures of such substances for which no grade claims are made other than to identify the product, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.

(8) The term "manipulated manures" means substances composed of excreta of animals or plant remains, or mixtures of such substances, for which grade claims are made in addition to the identification of the product.

(9) The term "grade" means the percentages of total nitrogen, available phosphoric acid (P_{205}) and soluble potash (K_2O) guaranteed in a commercial fertilizer and shall be stated in whole numbers in the same order.

(10) The term "brand" means the term, design, trademark and/or other specific designation under which a commercial fertilizer is distributed in this State.

(11) The terms "label" and "labeling" mean a display of written, printed or graphic matter placed upon, affixed to, or accompanying the container in which a commercial fertilizer is distributed, or the invoice or delivery slip with which a commercial fertilizer is distributed in bulk.

(12) The term "percent" or "percentage" means percentage by weight in the avoirdupois system.

(13) The term "unit" means one percent (1%) by weight or twenty (20) pounds per ton of 2,000 pounds.

(14) The term "sell" or "sale" shall include exchange, barter, offering for sale, exposing for sale, con-

signment for sale and/or any other transfer of title or possession.

(15) The term "distribute" means to sell or otherwise supply commercial fertilizers.

(16) The term "container" means any bag, box, carton, bottle, barrel, tank, package, apparatus, device, appliance or other item of any capacity into which commercial fertilizers are packed, poured, stored, or placed for handling, transporting and/or distributing.

(17) The term "bulk" applies to a lot of any commercial fertilizer which is not in a closed container at the time it passes into possession of the consumer, and shall apply to such commercial fertilizer at all stages of distribution.

(18) The term "official sample" means any sample of commercial fertilizer taken by the Director or his representative and designated as official by the Director."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 21, by striking out all of Subsection "C" of Section 11, and substituting the following in lieu thereof:

"(C)" The venue for any and all criminal prosecutions and civil actions shall be as under general law except as provided for in Section 6(f)."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 21, by striking out Section 12 and substituting in lieu thereof the following:

"Section 12. Appeal.

Any person at interest aggrieved by any order or ruling of the Directors may appeal from such order or ruling to the District Court of his residence by filing a petition in such District Court within (20) twenty days from the date of such ruling or order. The appeal shall be de novo as that term is known as appealing from the justice court, and the burden of proof shall not be on the defendant."

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 21 on Third Reading

Senator Moffett moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Owen |
| Colson | Parkhouse |
| Creighton | Patman |
| Crump | Ratliff |
| Dies | Reagan |
| Fuller | Roberts |
| Gonzalez | Rogers |
| Hardeman | Schwartz |
| Hazlewood | Secrest |
| Herring | Smith |
| Kazen | Weinert |
| Krueger | Willis |
| Lane | |

Nays—1

Moore

Absent—Excused

Hudson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 533, Amending Chapter 467, House Bill No. 77, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Article 666 and 667, by amending paragraph (7) of Section 15 of Article, I and further amending said Section by adding a new paragraph to be designated (7a); by adding a new Section to Article I, to be numbered Section 57; amending a portion of Section 5 of Article II, and adding two new Sections to Article II, numbered Sections 5A and 5B; providing a General Class B. Wholesaler's Permit and a Local Class B Wholesaler's Permit and fixing the authorities and privileges granted to the holder of each and fixing the annual State fee to be charged for each; providing for the issuance of a Brewer's Permit to the holder of a Manufacturer's License; providing a time limit during which the holder of a Manufacturer's License must begin to brew and package beer in a bona fide operation, during which period he must be actually engaged in preliminary activities leading to such brewing and packaging, and authorizing the Board to enforce this provision; and exempting from this provision holders of Manufacturer's Licenses in effect on January 1, 1953; granting to holders of Manufacturer's Licenses and Brewer's Permits the right to continue to manufacture beer or brew ale for sale in areas where such sales are legal in the event the voters in the area in which holders' licensed premises are located shall by local option election prohibit the sale of such beer or ale, and granting to them under such circumstances the continued right to deliver such beer and ale at their licensed premises to purchasers domiciled outside Texas, common carriers, contract carriers or other carriers, Distributors and Class B Wholesalers, and granting to all such the right to receive such beer or ale at the holder's premises for transportation; provid-

ing for the right of the holders of Manufacturer's Licenses and Brewer's Permits to manufacture and/or brew and package beer or ale which would be illegal for sale in Texas, packaged in containers or packages which would be illegal in Texas or so labeled as to make them illegal in Texas, and providing for their right to export or to deliver for shipment to points outside Texas such beer, ale, labels, containers and packages without being liable for any tax imposed by the State of Texas on beer or ale sold for resale in Texas; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency.

H. B. No. 3, Establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulating annexation by cities and towns both within and without such extraterritorial jurisdiction; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; providing cities and towns having conflicting claims over annexed territory may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgments Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; and declaring an emergency.

H. C. R. No. 2, Memorializing Congress as to the adoption of House Joint Resolution No. 2, 81st Congress, First Session, known as the Gossett-Lodge Amendment to the United States Constitution.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 160

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate San Antonio City Council of Parent-Teachers Association: Mrs. Ed. Jackson, President; Miss Eugenia Davis, Chairman; and Mrs. Lewis Davis, Director of Education; and

Whereas, We desire to welcome these distinguished visitors to the

Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the guests to the Members of the Senate.

Senate Bill 305 on Second Reading

Senator Patman moved that Senate Rules 116, 13, and 38, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 305 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 305, A bill to be entitled "An Act providing for County Juvenile Boards in each county comprising the 36th Judicial District, and in each county comprising the 156th Judicial District; providing for compensation of members of the Boards; provided compensation allowed County Judges hereunder shall not be counted as fees of office; providing that this Act shall be cumulative of existing laws relating to compensation of Judges of District Courts and County Judges; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 305 on Third Reading

Senator Patman moved that Senate Rules 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 305 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

Senate Bill 209 on Second Reading

Senator Roberts moved that Senate

Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 209 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

| | |
|-----------|-----------|
| Aikin | Moore |
| Baker | Owen |
| Colson | Parkhouse |
| Creighton | Patman |
| Crump | Ratliff |
| Dies | Reagan |
| Fuller | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Kazen | Secrest |
| Krueger | Smith |
| Lane | Weinert |
| Martin | Willis |
| Moffett | |

Nays—1

Calhoun

Absent

Gonzalez

Herring

Absent—Excused

Hudson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 209, A bill to be entitled "An Act to provide that jury commissioners shall receive a compensation of Ten Dollars (\$10) per day or part thereof; amending Article 2104 of the Revised Civil Statutes of Texas, 1925, as amended; amending Article 333 of the Code of Criminal Procedure, as amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 209 on Third Reading

Senator Roberts moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

Hudson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. J. R. No. 46, To the Committee on Constitutional Amendments.

H. B. No. 261, To the Committee on State Affairs.

H. B. No. 517, To the Committee on State Affairs.

H. B. No. 515, To the Committee on State Affairs.

H. B. No. 521, To the Committee on State Affairs.

H. B. No. 520, To the Committee on State Affairs.

H. B. No. 516, To the Committee on State Affairs.

H. B. No. 394, To the Committee on State Affairs.

H. B. No. 393, To the Committee on State Affairs.

H. B. No. 392, To the Committee on State Affairs.

H. B. No. 216, To the Committee on Banking.

H. B. No. 533, To the Committee on State Affairs.

Senate Bill 313 on First Reading

Pursuant to the provisions of the Governor's Emergency Message submitted today, the following bill was introduced, read first time and referred to the committee indicated:

By Senators Roberts, Smith, Owen, Dies, Herring and Rogers:

S. B. No. 313, A bill to be entitled "An Act providing for construction of additional floors for the State Insurance Building and the second State Office Building; completion of State Archives and Library Building; granting authority for the limited use and improvements on Capitol grounds to provide passageways and walks to new buildings; authorizing the Building Commission to rent unused properties; and declaring an emergency."

To the Committee on Finance.

Senate Bill 314 on First Reading

The following bill was introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. B. No. 314, A bill to be entitled "An Act amending the subject matter of the Texas Unemployment Compensation Act, Senate Bill No. 5, Ch. 482, General and Special Law of the Forty-fourth Legislature, Third Called Session, as amended from time to time, so as to authorize the Texas Employment Commission, upon the advice and consent of the Governor to enter into valid agreements, with appropriate agencies of other state and/or Federal Government to pay extended unemployment compensation benefits under the unemployment compensation laws of one or more states or under one or more such laws of the Federal Government; amending Section 17-A, subsection (b) of the Act to give such authority to the Commission; providing severability; and declaring an emergency."

To the Committee on State Affairs.

Adjournment

On motion of Senator Hardeman the Senate at 12:02 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Arthur H. Courtade

Senator Willis offered the following resolution:

(Senate Resolution 157)

Whereas, In the passing of Arthur H. Courtade of Tarrant County, the people of Texas lost a beloved citizen and distinguished man; and

Whereas, Mr. Courtade exemplified the classic American tradition of rugged individualism in that through application of his innate honesty and courage, he worked his way up the ladder of success to become one of Texas' leaders in the fields of Ranching and Agriculture; and

Whereas, Mr. Courtade was a native Texan, a graduate of Texas A & M College and received his Master's Degree from Texas Christian University. He was a Director of the U. S. Soil Conservation Office in Fort Worth until he left to initiate the ranch training program at TCU which has received world-wide attention and praise. He served overseas in World War II, was a Past Master of River Oaks Masonic Lodge, member of Scottish Rite and Director of Fort Worth Farm and Ranch Club. He was a member and Deacon of River Oaks Baptist Church where he taught a Sunday School class; and

Whereas, Mr. Courtade was a good man. He loved boys and girls and his work will live in the hearts and minds of the Youth of Texas with whom he worked. He was a devoted husband, father and friend, who loved and was loved in return by all those with whom he came in contact; now, therefore, be it

Resolved, That a page be set aside in the Senate Journal as a memorial to Arthur H. Courtade; that copies of this resolution be sent to his family with the deep regard of the Texas Senate; and that when the Texas Senate adjourns today it do so in honor and memory of this good man.

The resolution was read and was adopted by a rising vote of the Senate.